



New York State Department of Labor

Eliot Spitzer, Governor

M. Patricia Smith, Commissioner

December 14, 2007

Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations
US EPA – Region II
290 Broadway
New York, NY 10007-1866

**Re: Comments on Asbestos/WTC Dust Portion of
Regulatory Submittal Part I(R) Remediation Work Plan, November 14, 2007 revision
Fiterman Hall Building
30 West Broadway
New York, NY**

Dear Pat,

The Department has received and reviewed the revised November 14, 2007 Regulatory Submittal Part I(R) Remediation Work Plan document, as it relates to asbestos material (ACM) and WTC dust/residue removal/cleanup procedures.

The Department has discussed aspects of the documents with the New York City Department of Environmental Protection (DEP), and DEP concurs with the Department's comments on the submitted documents. Several significant items within the work plan must still be revised to address Departmental concerns.

Global Comments (Revisions necessary throughout work plan)

- *Throughout the document, reference is included for Owner's Environmental Consultant (OEC) project monitor visual inspection and air sampling duties. However, all references to the project monitor visual inspection must also include the requirement that the abatement contractor supervisor must perform a satisfactory visual inspection as required by Industrial Code Rule 56 (ICR 56), prior to the commencement of the project monitor visual inspection.*
- *Throughout the document a 75% safety factor is used for negative air machine flow calculations and reference is included to the recently completed negative air machine flow study that was performed at the site as back-up for use of this safety factor. Also, "piggy-back" of negative air machines is indicated when the length of the exhaust tube exceeds 25 foot.*
The recent study indicates that the 75% safety factor is justified for exhaust hose lengths up to 25 foot. For exhaust hose lengths greater than 25 foot, the requirements and conditions of ICR 56 Applicable Variance AV-A-2 shall be followed, and not the piggy-backing of negative air machines as proposed. These requirements must be included in all pertinent sections of the document and plan drawings. These requirements will be included with the site-specific variance decision yet to be granted for this asbestos project.
- *Throughout the document all references to the cleaning and clearance of stairwell C don't appear to include the cleaning and clearance of the adjoining electrical closets to be accessed for*



New York State Department of Labor

Eliot Spitzer, Governor

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temporary electric service tie-ins. Apparently access to the closets will be obtained from the stair C work area for routing of wiring, but providing adequate access for personnel to clean and clear the closets along with the stairwell is not indicated.

If the closets are not included at this point how will be power be activated within these contaminated closets after stair C is cleared? Access to these contaminated closets would be limited as the only access would be from the contaminated floor work areas. Once energized, the electrical closets and the circuits within these closets could not be accessed from any adjoining contaminated work area. Temporary power must enter from outside the work area and not from an electrical closet within the work area.

The intended procedures must be revised throughout the document to include adequate details regarding these electrical closet concerns.

- *Throughout the document, all requirements for the use of “expandable foam” must be revised to indicate “fire-retardant expandable foam”.*

Specific Comments

REGULATORY SUBMITTAL PART I – WORK PLAN

- 3.1 ASBESTOS SURVEY

Currently this section references Attachment IV to the Environmental Characterization Report for an inventory of identified ACM. For ease to the reader, reference to the survey materials table included within Attachment VIII of the work plan must be added to this section.

- 3.2 NYS DOL NOTIFICATION

This section indicates that the NYS DOL has primary jurisdiction for the remediation at Fiterman Hall. This incorrect information must be revised to indicate that various federal, state and city regulatory agencies have joint jurisdiction for this remediation project.

- 4.1 ELECTRIC

This section indicates that licensed electricians that will install or tie-in to electric panels will have asbestos awareness training. As these individuals will routinely be entering contaminated work areas to complete their work, the minimum training and certification required is allied trades handler. This training and certification requirement must be revised throughout the document

Also, reference to section 6.1.1 Cleaning and Clearance of Stairwell C is included regarding details of the electrical panel installations. However, no elevation drawing with the specific details for the stairwell C work area is apparent. An elevation drawing with electrical closet locations, decontamination facilities, negative air units and other pertinent logistics must be included.

- 6.0 REMEDIATION OPERATIONS

On page 31 of the document, an ambiguous reference to a “re-opening” regarding personal air sampling data and negative exposure assessment is included. This “re-opening” reference must be removed as it apparently does not pertain to this project.



New York State Department of Labor

Eliot Spitzer, Governor

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- 6.1.1 CLEANING AND CLEARANCE OF STAIRWELL C

As previously indicated, no elevation drawing with the specific details for the stairwell C work area is apparent. An elevation drawing with electrical closet locations, decontamination facilities, negative air units and other pertinent logistical details must be included and referenced within this section of the work plan.

This section indicates that limited sheetrock and masonry wall demolition is necessary for the construction of the access tunnel to stairwell C. However, no details are apparent regarding engineering controls that will be in place during these limited demolition operations. This section must be appropriately revised.

- 6.1.4 INTERIOR WALLS AND CEILING SYSTEMS

This section indicates that the access tunnel to stairwell C will be removed prior to obtaining satisfactory clearance of the first floor clean zone work area. How will access to cleaned stairwell C be obtained once the tunnel is removed? Why wouldn't the tunnel be removed after clearance is obtained for the first floor clean zone? Within this section, please provide the reasoning behind this approach and also explain how access to stairwell C will be maintained once the tunnel is removed.

- 6.1.5 ASBESTOS CONTAINING MATERIALS

This section must be revised to include a summary of remaining ACMs at the building that will be abated during the deconstruction phase of the project.

- 6.1.8 FIRST FLOOR CLEAN ZONE CLEARANCE CRITERIA

This section indicates that for multi-floor work areas, clearance will be accomplished per floor not per work area. While the number of clearance air samples is determined on a per floor basis, clearance is accomplished for the entire work area. This section and all other references within the document to clearance within multi-floor work areas must be revised accordingly.

This section indicates that two layers of plastic sheeting at the elevator lobby barrier wall will be removed. An adequate number of layers of plastic sheeting at this barrier wall must remain in place to maintain the integrity of the barrier wall for the duration of the asbestos project. Three layers remaining at the barrier wall with one layer being reinforced fire-retardant plastic sheeting shall be utilized at a minimum. This section must be revised accordingly. These requirements will be included with the site-specific variance decision yet to be granted for this asbestos project.

- 6.4 ESTABLISHMENT OF INTERIOR CONTAINMENT (BASEMENT LEVEL AND SECOND FLOOR THROUGH FIFTEENTH FLOOR)

This section indicates that manometers will be installed at the exterior of the building for the various upper floors. A more practical location could be within the cleaned and cleared stairwell C. These manometer locations would be readily accessible and also be in a weather-protected environment. Also, this section indicates that the manometer for the basement work area will be installed at the primary personal decontamination facility and a hose installed into the work area. Appropriate locations for all manometers must be selected so an excessive length of tubing into each work area does not have to be utilized. Manometers must be installed as per manufacturer requirements.



New York State Department of Labor

Eliot Spitzer, Governor

M. Patricia Smith, Commissioner

This section indicates that the basement work area negative air exhaust tubes will be routed through shafts to the first floor and then discharged at the exterior of the building. However, no details are provided regarding how the shafts will be segregated and included with either the basement or first floor work areas. Where will the critical barriers be installed within these shafts? How will these shafts be cleaned and cleared with exhaust tubes in place? Appropriate details must be provided within this section and all other pertinent sections of the document.

This section indicates that HEPA filter intake dampers will be utilized for additional makeup air at each floor of a work area. However, no information is included regarding activities prohibited in each work area at times of HEPA filter removal and replacement. Also no information is included regarding how the makeup air will enter through a restrictive HEPA filter without forced airflow through the filter. Is there documented acceptable performance of similar damper devices at previous asbestos projects? Please include appropriate information regarding these issues within this section.

- 6.5 SHREDDER INSTALLATION

This section and the plan drawing referenced within this section do not indicate the exact location of the shredder within the shredder area. This information must be added to this section and the referenced plan drawing.

- 6.6 SIMULTANEOUS WORK PROCEDURES

While the chambers of the primary waste decontamination facility are identified within the Attachment XII plan drawing referenced within this section, all entrances and exits to/from this waste decontamination facility were not identified on the drawing. Appropriate revisions must be made to the drawing to show all paths of entry and exit to/from the waste decontamination facility.

- 6.10 VENTILATION SHAFTS

Similar to section 6.4, this section indicates that the basement work area negative air exhaust tubes will be routed through shafts to the first floor and then discharged at the exterior of the building. However, no details are provided regarding how the shafts will be segregated and included with either the basement or first floor work areas. Where will the critical barriers be installed within these shafts? How will these shafts be cleaned and cleared with exhaust tubes in place? Appropriate details must be provided within this section and other pertinent sections of the document.

- 6.13.4 MAIN ROOF

This section indicates that exterior window caulk will be removed at an elevator machine room window. Requirements regarding installation of critical barriers at the interior side of the affected window prior to caulking removal as required by ICR 56, must be included within this section.

- 6.14 ELEVATOR SHAFTS

This section indicates that the elevator cars will be brought to the bottom of the shafts and dismantled. However the specific details of the work area preparation that will be completed to allow dismantling of elevator cars is not included. For example, are the elevator cars and basement portion of shafts considered one work area, or are the cars, basement portions of shafts and the basement all considered one work area? These details must be included within this section and a logistical drawing with this information must be provided for the work area.



New York State Department of Labor

Eliot Spitzer, Governor

M. Patricia Smith, Commissioner

- **6.15 ELECTRICAL CLOSETS**

This section indicates that all electrical closets will be cleaned and cleared after clearance of the upper floors. However, the electrical closets at the upper floors could be included with the upper floor work areas, except for the closets adjoining stairwell C, as circuits within these other upper floor electrical closets would not be energized. The information within this section must be revised accordingly if the sequencing of electrical closet cleaning and clearance changes.

- **PLAN DRAWINGS**

Attachment V – SS-2 This drawing must be provided in 11"x17"printed size at a minimum to be legible.

Attachment IX – ECD-02 The make-up airflow from the first floor decontamination facilities must be incorporated.

Attachment IX – ECD-04 The anticipated shredder location within the first floor must be identified.

Attachment X – Air Intake Damper Drawing The arrow indicating airflow direction through the HEPA filter appears to be inverted.

Attachment XII – No drawing detail is apparent for the chambers of the secondary decontamination facility connected to the basement work area.

These plan drawings must be revised accordingly.

The recently received site-specific variance petition for this work plan portion of the overall asbestos project is currently under review by the Department. Any comments and necessary revisions to the variance submittal will be addressed once all details within work plan are finalized.

Please note that if an unanticipated situation is encountered during the ACM removal and WTC dust/residue cleanup during implementation of the remediation work plan, which requires additional relief from 12 NYCRR 56, the owner's asbestos project designer firm must submit a reopening request to the site-specific variance decision as necessary, or submit an additional site-specific variance petition to address the situation. If you have any questions please contact our office at (518) 457-1536.

Sincerely,

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Associate Safety and Health Engineer

ec Krish Radhakrishnan, P.E. - NYC DEP
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